

REMARKS

This communication is submitted as a result of communication with Examiner Backer on this date. The above amendments repeat the prior amendments for the Examiner's convenience. Reconsideration of all remaining claims is requested in view of the following remarks.

The undersigned spoke with Examiner Backer today (March 23, 2007) via telephone. The undersigned was informed that Primary Examiner Reagan is no longer handling the present application and that Examiner Backer is taking over examination of this case. The undersigned appreciates the courtesies extended by Examiner Backer during our discussion.

Mr. Backer was understandably confused by the record in the present application since on the one hand the record indicates that certain claims have been withdrawn, while on the other hand, withdrawn claims have been shown as amended. This communication is intended to clarify the record which was rendered somewhat confusing by the original multiplicity rejection and rendered further confused when Examiner Reagan treated the multiplicity rejection as an election and indicated that certain claims were withdrawn, and then later offered to rejoin the claims. For the record, Applicant has not withdrawn any claims from consideration. The undersigned indicated to Examiner Reagan that failure to consider all claims would force the undersigned to appeal the multiplicity rejection, and the undersigned has argued that such rejection is improper in the record.

As of the interview date of Dec. 6, 2006, Examiner Reagan agreed that the claims 94-101 were allowable as amended over the art of record, but Mr. Reagan reserved the right to conduct further searching. As such, the remaining claims were amended for the Examiner's consideration, per the prior agreement with Mr. Reagan. Again, no claims have been withdrawn from consideration at any time by the undersigned, and the statements that appear contradictory to this in the response filed December 8, 2006 are in error.

Accordingly, the following is the status of claims for examination – no claims have been withdrawn from consideration by the undersigned:

Claims 1-37, 44, 47, 55, 63-71, 80-83 have been cancelled without prejudice to simplify the issues at hand.

Claims 38-43, 45, 46, 48-54, 56-62, 72-79, and 84-102 are currently pending.

As a result of the discussion of this matter with Mr. Backer, he further indicated that upon submission of this response clarifying the record, he would formally withdraw the multiplicity rejection. This action will further clarify that no claims stand withdrawn.

Concluding Remarks

In view of this communication, examination on the merits of all claims is believed to be appropriate, and such is respectfully requested at an early date. The undersigned invites Mr. Backer to contact him in the event further clarification is required.

Respectfully submitted,

/Jerry A. Miller 30779/
Jerry A. Miller
Registration No. 30,779

Dated: 3/23/2007

Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337